

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF

Pro se MATTHEW LOUIS JOHNSON **FILLED**

DEFENDANT

CORRECTIONAL OFFICER CAPTAIN MR. DARR

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

SOUTHERN DISTRICT OF CALIFORNIA

CORRECTIONAL OFFICER CAPTAIN MR. DARR
Centinela State Prison P.O. Box 931
Imperial, Calif. 92251

AT

2008 JUN 23 AM 9:29

COURT CASE NUMBER

08-0080 DMS (POR)

TYPE OF PROCESS SUMMONS IN A
LAW SUIT - 42 U.S.C. 1983

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

CORRECTIONAL OFFICER - CAPTAIN
MR. DARR
Centinela State Prison
P.O. Box 931
Imperial, Calif. 92251Number of process to be
served with this Form - 285

1

Number of parties to be
served in this case

1

Check for service
on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE: (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold
Centinela State Prison, he's a Correctional OFFICER,
Last known hours were from 6:00 am to 2:00 pm.
MON-FRI.

Fold

Signature of Attorney or other Originator requesting service on behalf of:

Pro se Matthew L. Johnson

 PLAINTIFF
 DEFENDANTTELEPHONE NUMBER
Incarcerated
at C.I.T. F.

DATE

5/15/08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only first USM 285 if more
than one USM 285 is submitted)

Total Process

District
of Origin

No.

District
to Serve

No.

Signature of Authorized USMS Deputy or Clerk

A Scott

Date

5/20/08

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

 A person of suitable age and dis-
cretion then residing in the defendant's
usual place of abode.

Address (complete only if different than shown above)

Date of Service Time am
pm

Signature of U.S. Marshal or Deputy

Service Fee Total Mileage Charges (including endeavors) Forwarding Fee Total Charges Advance Deposits Amount owed to U.S. Marshal or Amount of Refund

REMARKS: 05/20/08 Rec'd waiver of service of Summons.
Copy to court and Plaintiff

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Matthew Louis Johnson

Plaintiff

vs

Correctional Officer Darr

Defendant

1000

SUMMONS IN A CIVIL ACTION

Case No. 08cv0080-DMS-POR

TO: (Name and Address of Defendant)

**CORRECTIONAL OFFICER
CAPTAIN MR. DARK
Centinela State Prison
P. O. Box 931
Imperial, Calif. 92251**

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Matthew Louis Johnson
D-33369
Correctional Training Facility
PO Box 689
Soledad, CA 93960

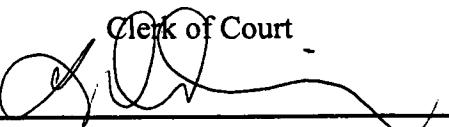
An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

May 9, 2008

Clerk of Court

DATE


By, Deputy Clerk

Waiver of Service of Summons**To: U.S. Marshal**

I, R. DARR acknowledge receipt of your request that I waive service of a summons in the action of Johnson, Matthew Louis v. Correctional Officer Darr, which is case number 08-CV-00080 DMS POR in the United States District Court for the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with a judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after May 20, 2008, or within 90 days after that date if the request was sent outside the United States.

Date: 6/19/08Signature 

Defendant hereby waives personal service of this complaint pursuant to rule 4(d) of the Federal Rules of Civil Procedure

Printed/Typed Name: Phillip J. Lindsay
as Deputy Attorney General
of the Office of the Attorney General

Attorneys for R. Darr, Defendant**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the costs of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.